

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

CHARLES EDEN

§

VS.

§

CIVIL ACTION NO. 9:18cv229

DIRECTOR, TDCJ-CID

§

ORDER OVERRULING OBJECTIONS AND ADOPTING  
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Petitioner Charles Eden, proceeding *pro se*, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge. The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge recommending the petition be dismissed.

The court has received the Report and Recommendation of United States, along with the record and pleadings. Petitioner filed objections to the Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes petitioner's objections lack merit. Petitioner complains that an officer stole money from him and improperly confiscated photographs. The Magistrate Judge correctly concluded that as this claim did not challenge the fact or duration of petitioner's confinement, the claim could not be asserted in a petition for writ of habeas corpus.

Under other circumstances, the court might consider converting petitioner's filing into a civil rights action. However, petitioner previously filed a civil rights action asserting the same claim. *Eden v. Burks*, No. 9:18cv200 (E.D. Tex.). That action remains pending before this court. As a result, the case now before the court will not be converted into a civil rights action.

ORDER

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is

**ADOPTED** as the opinion of the court. A final judgment shall be entered in accordance with the recommendation of the Magistrate Judge.

**So Ordered and Signed**

Jan 23, 2020

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

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Ron Clark, Senior District Judge